

Deferral, Suspension and Cancellation Policy and Procedure

Category	Deferring, suspending or cancelling the overseas student's enrolment
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Policy Base	<ul style="list-style-type: none"> • ESOS Act 2000 • National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code), Standard 9
Related Documents	<ol style="list-style-type: none"> 1. Complaints and Appeals Policy and Procedure 2. Change of Enrolment Application Form 3. Refund Request Form 4. Student Code of Conduct 5. Terms and Conditions of Enrolment 6. Course Progress and Intervention Strategy Policy and Procedure

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Purpose

This policy and procedure is in place to ensure Ambridge Institute (“the Institute”) has a documented process for assessing, approving and recording deferment, suspension or cancellation of an overseas student’s enrolment and that it complies with the ESOS Act 2000 and Standard 9 of the National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code).

Scope

This document applies to staff involved in deferring, suspending or cancelling the student’s enrolment at the Institute.

Definitions

- **Deferral:** refers to students delaying the commencement of their program to a future intake date.
- **Suspension initiated by the student:** refers to students temporarily placing their studies on hold after they have commenced their course. This action may or may not affect the enrolment period indicated on the Confirmation of Enrolment (CoE).
- **Suspension initiated by the institution:** refers to when the Institute decides to place a student’s enrolment on hold due to misconduct or a breach of the terms and conditions of enrolment.
- **Cancellation:** refers to the Institute permanently terminating the student’s enrolment due to misbehaviour or a breach of their study visa conditions.
- **PRISMS** refers to Provider Registration and International Students Management System
- **DHA** refers to the Department of Home Affairs.
- **Compassionate or compelling circumstances** refers to situations beyond the control of overseas students and which have an impact on their course progress or wellbeing.
- **Change of Enrolment** refers to changes to an overseas student’s enrolment such as early completion or transferring to another registered provider that may impact on your student visa. Any student course variation must be reported in PRISMS.
- **Student Code of Conduct** refers to the Institute’s expectations of students in regards to academic and personal behaviour matters.

Policy

The Institute's courses have defined start and end dates. Students are expected to undertake the course in which they have enrolled in without interruption. However, in some circumstances, students may need to defer or postpone their studies.

Students may request a deferment or suspension of their studies during the course in limited circumstances as set out in the National Code, Standard 9.

The Institute may suspend or cancel a student's enrolment, provided it is consistent with the Institute's policies and/or Australian Law.

Before suspending or cancelling a student's enrolment, the Institute will notify the student of its intention to do so. The Institute will inform the student they have 20 working days in which to access the *Complaints and Appeals* process. The Institute will not notify the Department of Education and Training via the Provider Registration and International Student Management System (PRISMS) of a change of status of enrolment until the internal *Complaints and Appeals* process has been finalised (if applicable).

The Institute will inform students that deferment, suspension or cancellation of enrolment may affect his or her student visa. Student's will be directed to the Department of Home Affairs website or helpline (131 881) for further information.

1. Overview

- a. Deferment or suspension of enrolment can be initiated by the student or by the Institute.
- b. The Institute will only grant deferment or suspension for compassionate and compelling circumstances.
- c. The Institute may initiate a suspension or cancellation of enrolment if a student breaches their student visa conditions, fails to pay the scheduled fees or the student misbehaves or breaches the *Student Code of Conduct* or any other set terms and conditions.
- d. The Institute will notify the Department of Education and Training of a change to a student's status of enrolment via PRISMS, if applicable.
- e. Students who wish to defer, suspend or cancel (withdraw) their enrolment must complete and submit a *Change of Enrolment Application Form*.
- f. The Institute will notify the student in writing within 10 working days of the outcome of their request.
- g. If the request is granted, the Institute will notify the student by email of the outcome and advise them to contact the Department of Home Affairs (DHA) in relation to the potential impact on their student visa.
- h. If a deferral, suspension or cancellation request is rejected, the student will be given 20 working days to appeal the decision as per the Institute's *Complaints and Appeals Policy and Procedure*.

2. Deferral and Suspension of Studies

- Requests from students for deferral and suspension of studies will only be granted in compassionate or compelling circumstances which are generally those beyond the control of the student and which have an impact upon the student's course progress or wellbeing. These could include, but are not limited to:
 - serious illness or injury, where a medical certificate states that the student was unable to attend classes
 - bereavement of close family members such as parents or grandparents (where possible a death certificate should be provided)

- major political upheaval or natural disaster in the home country requiring emergency travel and this has impacted on the student's studies
- a traumatic experience that has impacted on the student which could include involvement in or witnessing of a serious accident or witnessing or being the victim of a serious crime. Such cases supported by police or psychologists' reports
- where Ambridge Institute is unable to offer a pre-requisite unit
- inability to begin studying on the course commencement date due to delay in receiving a student visa.

These circumstances are an example of what may be considered compassionate or compelling circumstances, however each case will be assessed on its individual merits.

- When determining whether compassionate or compelling circumstances exist, Ambridge Institute considers documentary evidence provided to support the claim, and stores copies of these documents in the student's file.
- A retrospective deferment or suspension may be justified if the student was unable to contact Ambridge Institute because of a circumstance such as being involved in a car accident.
- Where a student initiated deferral or suspension of enrolment is granted, Ambridge Institute will suspend an enrolment for an agreed period of time - to a maximum of 6 months. If the deferral is required for longer than 6 months, the student's application will be re-assessed. If the suspension period has expired and the student does not return, the student's enrolment will be cancelled.

3. Provider initiated Suspension or Cancellation

- Ambridge Institute may suspend or cancel a student's enrolment including, but not limited to, on the basis of:
 - misbehaviour by the student (including plagiarism, collusion and cheating)
 - the student's failure to pay an amount he or she was required to pay the registered provider to undertake or continue the course as stated in the written agreement
 - a breach of course progress or attendance requirements by the overseas student, which will occur in accordance with Standard 8 (Overseas student visa requirements) and as specified in Ambridge Institute's Course Progress Policy and Procedures.
- Standards of behaviour required are outlined in the Student Handbook.
- Where Ambridge Institute suspends or cancels a student's enrolment, before imposing a suspension or cancellation Ambridge Institute will inform the student in writing of that intention and the reasons for doing so and advise the overseas student of their right to appeal through the provider's internal complaints and appeals process, in accordance with Standard 10 (Complaints and appeals), within 20 working days.
- Under no circumstances will the suspension or cancellation of the overseas student's enrolment under Standard 9.3 cannot take effect until the internal appeals process is completed, unless the overseas student's health or wellbeing, or the wellbeing of others, is likely to be at risk.

4. Student Initiated Cancellation of Studies

- Students may initiate cancellation of their studies at any time during their course.
- Students who wish to withdraw before completing six months of their principle course and transfer to another provider will be processed as per Ambridge Institute Course Transfer Policy and Procedure.

5. Visa status

- When there is any deferral, suspension or cancellation action taken under this standard, Ambridge Institute will inform the student of the need to seek advice from DHA on the potential impact on their student visa, as well as the report the change to the overseas student's enrolment under section 19 of the ESOS Act i.e. notification via PRISMS.
- Students are referred to the DHA web site at <https://www.homeaffairs.gov.au/> or Helpline (131 881) for information and their local DHA office for advice on how the potential change to enrolment status may impact upon his or her visa.

6. Complaints and Appeals

- Where a student accesses the Complaints and Appeals process, Ambridge Institute will not notify DET via PRISMS until the internal appeals process is complete unless the student's health or wellbeing, or the wellbeing of others, is likely to be at risk. Where the student chooses to access an external appeals process, Department of Education will still be notified via PRISMS.
- Students will be directed to the Department of Home Affairs website or helpline (131 881) for information on how a change of enrolment may impact their student visa.

7. Records

- All records relating to deferrals, suspensions and cancellations will be kept on the student's file. This will include all decisions made.

8. Student Code of Conduct

Refer to the Institute's *Student Code of Conduct*.

Procedures

1. Procedure for Students Applying for Deferral or Suspension of Study

STEPS	PROCEDURE	RESPONSIBILITY
1	<ul style="list-style-type: none"> Submit to <i>Change of Enrolment Application Form</i> together with supporting documents that demonstrate compassionate or compelling circumstances. 	Student / Agent
2	<p>Application Approved:</p> <ul style="list-style-type: none"> Assess the request and grant approval if the deferral or suspension request meets the sufficient evidence requirements Notify the student or agent the deferral or suspension request has been approved within 10 working days from receipt of the request. Notify the Department of Home Affairs (DHA) via PRIMS of the period of deferral or suspension granted. Send revised CoE to the student/agent. Students will be directed to the DHA website or helpline (131 881) for information on how a change of enrolment may impact their student visa. <p>Application Refused:</p> <ul style="list-style-type: none"> Deferral or suspension request has been assessed and refused. It does not meet the requirements for compassionate or compelling circumstances. Notify the student or agent of the decision within 10 working days of the outcome from receipt of the request. Inform the student that if he/she does not agree with the decision, they have 20 working days from the date of the decision in which to access the Institute's <i>Complaints and Appeals Policy and Procedure</i>. Students will be directed to the DHA website or helpline (131 881) for information on how a change of enrolment may impact their student visa. 	Registrar
3	<ul style="list-style-type: none"> If the student chooses to appeal the decision, the student's enrolment is maintained until the <i>Appeals</i> process is finalised. The Institute will not notify DHA of any changes to the student's enrolment status until the final decision is made. 	Registrar
4	<ul style="list-style-type: none"> Record and retain a copy of the decision and accompanying/or supporting evidence on the student's file. 	Registrar

2. Institute-Initiated Suspension of Study or Cancellation of Enrolment

STEPS	PROCEDURE	RESPONSIBILITY
1	Decision to suspend or cancel a student's enrolment due to academic or non-academic misconduct, failure to meet overseas student visa requirements such as progress requirements or non-payment of fees.	General Manager
2	Notify the Registrar of the decision.	General Manager
3	<p>Notify the student /agent in writing:</p> <ol style="list-style-type: none"> Of the intention to cancel or suspend his or her enrolment together with the reasons for the decision. Of the intention to notify the Department of Home Affairs (DHA) and the option to appeal the decision. Of the 20 working days of appeal period as stated in the Institute's <i>Complaints and Appeals Policy and Procedure</i>. That cancellation of the student's CoE may affect his or her student visa. Students will be directed to the DHA website or helpline (131 881) for information on how a change of enrolment may impact their student visa. 	Registrar

4	Record and retain a copy of the decision and accompanying/or supporting evidence on the student's file.	Registrar
Appeals		
	<p>Appeal:</p> <ul style="list-style-type: none"> • If the student chooses to appeal the decision, the student's enrolment is maintained until the appeals process is finalised. • The Institute will not notify DHA of any changes to the student's enrolment status until the final appeal decision is made (if applicable). • Students will be directed to the DHA website or helpline (131 881) for information on how a change of enrolment may impact their student visa. <p>No Appeal:</p> <ul style="list-style-type: none"> • If the student chooses not to appeal the decision or has unsuccessfully exhausted the internal appeals policy, the cancellation of enrolment will be processed. • The Department of Home Affairs (DHA) will be notified through PRISMS about the change to the student's enrolment status. • Students will be directed to the DHA website or helpline (131 881) for information on how a change of enrolment may impact their student visa. <p><i>Notes:</i></p> <ul style="list-style-type: none"> • Exceptions to this rule will be made in cases of <i>compassionate and compelling</i> circumstances as stated in the Institute's <i>Deferral, Suspension and Cancellation Policy</i>. • The Institute is only required to wait for the outcome of an external appeal in the case of a breach of academic progress. <i>Refer to Course Progress and Intervention Strategy Policy and Procedure.</i> 	Registrar
Suspension/Cancellation of Enrolment		
	<ul style="list-style-type: none"> • Cancel the student's CoE in PRISMS. • Send cancelled CoE and confirmation to the student / when the cancellation is finalised. • Retain all relevant records and documentation on the student's file. 	Registrar

Document Control

The policies and procedures, and the forms included in this document are approved and implemented by the Institute. This document will be electronically available to Institute staff in protected format (PDF file) in the designated folder. Any ongoing changes made to this document are recorded below.

Version	Authorised By	Description of the change	Approved Date	Effective Date
<i>Version 1</i>	<i>General Manager</i>	<i>Updated the Deferral, Suspension and Cancellation Policy and Procedure</i>	<i>20 June 2019</i>	<i>20 June 2019</i>